

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Exigent Landscaping, LLC,

Debtor.

Case No. 23-46912-TJT
Chapter 7
Judge Thomas J. Tucker

**ORDER AUTHORIZING TRUSTEE TO AUCTION
ASSETS FREE AND CLEAR OF LIENS, CLAIMS,
AND INTERESTS WITH ALL LIENS, CLAIMS, AND
INTERESTS ATTACHING TO THE PROCEEDS OF SALE**

This case is before the Court on the Chapter 7 Trustee's motion entitled "Motion for Order Authorizing Trustee to Auction Assets Free and Clear of Liens, Claims, and Interests with all Liens, Claims, and Interests Attaching to the Proceeds of Sale" (Docket # 172, the "Motion"). In the Motion, the Trustee seeks to sell assets of the Debtor, consisting primarily of the following:

Property Description

Raw materials (gravel, sand, pavers)
Misc. office furniture, incl conference table, 4 desks, 12 chairs
Office equipment, incl computers, printers, TV
(2) 20" Trailer, 18" Trailer, 16" Trailer, 10" Trailer
GMC 4500 Truck
3 Trailers
2 Vacuum Paver Lifters
Topsoil Screener
2 Toro Dingo
Large Tamper
5 Small Tampers
5 Stihl saws
Rebar cutter and tier

2 Compressors
Misc. pool equipment and supplies
Misc. hand tools
Mud Buggy
Cat 308e2 Excavator - subject to lien of CAT Financial

(the “Assets”). All parties in interest were served with notice of the Motion.

Secured creditor, Caterpillar Financial Services Corp. (“CAT Financial”), requested the clarification stated at paragraph C, concerning the CAT 308E2CRSB Hydraulic Excavator serial number FJX01882 (“Excavator”). No other responses or objections were timely filed. The Court finds good cause to enter this Order.

IT IS ORDERED as follows:

- A. The Motion is granted.
- B. Chapter 7 Trustee Mark H. Shapiro is authorized to sell the Assets via an online auction to be held May 7, 2024.
- C. The Excavator will be sold only if the sale price exceeds the \$16,007.21 balance owed to CAT Financial for the Excavator.
- D. The Assets will be sold “as is, where is” without representation or warranty, expressed or implied, of any kind, nature or description, including without limitation, any warranty of title or of merchantability, usability, or of fitness for any particular purpose.
- E. The Trustee may: a.) impose additional terms and conditions on the sale; b.) adjourn the auction; and c.) withdraw the Assets from the auction.

F. The Assets will be sold free and clear of all liens, claims, and encumbrances, with all such liens, claims, and encumbrances attaching to the net proceeds of sale to the same extent and having the same validity, priority, and enforceability as such interests had with respect to the assets immediately before the sale. Any issue regarding the extent, validity, priority, and/or enforceability of any liens, claims, or encumbrances against the sale proceeds will be determined by this Court at a later date.

G. The Trustee may execute all documents and agreements and perform such acts as may be necessary and appropriate to implement, effectuate, and consummate the sale.

H. All federal, state, and local governmental agencies and departments are ordered and directed to accept all filings necessary and appropriate to consummate the transactions contemplated by this order.

I. The 14-day stay provided for in Federal Bankruptcy Rule 6004(h) will not be in effect with respect to the sale, and this Order is effective and enforceable immediately upon entry.

Signed on April 24, 2024



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge